



# PUBLIC NOTICE

**Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554**

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**DA 02-1577  
July 2, 2002**

**COMMENTS INVITED ON ACSI LOCAL SWITCHED SERVICES, INC., D/B/A  
E.SPIRE COMMUNICATIONS, INC., APPLICATION TO DISCONTINUE  
DOMESTIC TELECOMMUNICATIONS SERVICES**

**Comp. Pol. File No. 592**

**Comments Due: July 16, 2002**

**Section 214 Application**

**Applicant: ACSI Local Switched Services Inc., d/b/a e.spire Communications, Inc.**

On **June 26, 2002**, **ACSI Local Switched Services Inc., d/b/a e.spire Communications, Inc.**, and its operating affiliates (e.spire or Applicant) located at **12975 Worldgate Drive, Herndon, VA 20170**, filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, as amended,<sup>1</sup> to discontinue its domestic telecommunications services.

According to the application, e.spire seeks authority to discontinue providing integrated local, long distance, international, data and Internet services to its small and mid-sized business customers in Pennsylvania and New York. Applicant has limited operations in both states. In New York it has about 42 customers, most of whom are either themselves carriers or are ISPs, with a handful of business customers. In Pennsylvania, e.spire has a similar mix of fewer than 22 customers. Applicant has arranged for the transfer of certain assets and customers but not all) to Thorn Communications LLC (Thorn). Applicant states that the transfer of customers to Thorn will be covered by a separate application under the new transfer rules. According to applicant, the instant application covers only those customers that are not part of the agreement with Thorn and the customers in Pennsylvania.

Applicant states that on June 21, 2002, it mailed notice to its affected customers, which contained the language required by Commission's Rules.<sup>2</sup> Accordingly, pursuant to

<sup>1</sup> 47 U.S.C. § 214(a). *See also* 47 C.F.R. § 63.71.

<sup>2</sup> *See* 47 CFR § 63.71(a)(5)(i).

section 63.71(c), e.spire cannot legally terminate service to its customers until at least July 21, 2002.<sup>3</sup> Accordingly, pursuant to the attached copy of the notice, e.spire advised its customers of the proposed discontinuance of service provided the name of other carriers from whom the customers to be disconnected may be able to arrange substitute service on mutually acceptable terms. The notice also states that the anticipated date to transfer or discontinue service is on or after July 31, 2002.

In accordance with section 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31<sup>st</sup>) day after the release date of this notice, unless the Commission has notified Applicant that the grant will not be automatically effective.<sup>4</sup> The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission's *ex parte* rules.<sup>5</sup> Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **July 16, 2002**. Such comments should refer to **Comp. Pol. File No. 592**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. The original and four (4) copies of the comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room 6-A207, Washington, DC 20554, Attention: Carmell Weathers. In addition, Comments should be served upon Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1196, Attention: John Adams

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

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<sup>3</sup> 47 C.F.R. § 63.71(c).

<sup>4</sup> 47 C.F.R. § 63.71(c).

<sup>5</sup> See generally 47 C.F.R. §§ 1.1200 - 1.1216.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at [qualexint@aol.com](mailto:qualexint@aol.com).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), [cweather@fcc.gov](mailto:cweather@fcc.gov), or John Adams (202) 418-0394 (voice), [jadams@fcc.gov](mailto:jadams@fcc.gov), of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit [http://www.fcc.gov/wcb/cpd/other\\_adjud](http://www.fcc.gov/wcb/cpd/other_adjud)

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